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## ARTICLE 9.

The present protocol shall be ratified and shall go into effect immediately after the exchange of ratifications, the ratifications shall be exchanged at Constantinople as soon as possible and at the latest within two months.

Done in duplicate at Constantinople, February 26, 1909.

HUSSÉIN HILMI.

GABRIEL NORADOUNGHIAN.

PALLAVICINI.

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PRELIMINARY ARRANGEMENT FOR THE MUNICIPAL ORGANIZATIONS IN  
THE ZONE OF THE CHINESE EASTERN RAILWAY.<sup>1</sup>

Differences of opinion having arisen concerning the interpretation of the contract for the construction and exploitation of the Chinese Eastern Railway, made in the 22nd year of Kuang Hsü, 8th moon, second day (27th August, 1896), the governments of China and Russia have agreed on the subject of the organization of municipalities upon the lands of the said railway, upon the following general provisions:

## I.

As a fundamental principle, the sovereign rights of China on the lands of the railway are recognized without any prejudice whatsoever.

<sup>1</sup> The following notes were exchanged at the time of signing the Arrangement:

*The Wai Wu Pu to the Russian Minister:* "In regard to the recognition of the leased railway territory as Chinese territory, the general principle has been established that Chinese sovereignty suffers no loss or diminution. The rights and privileges enjoyed by subjects of other powers under the treaties between China and other nations are to be fully preserved. This must be clearly stated in order to avoid future misunderstandings.

To this end the two governments now make this exchange of notes."

*The Russian Minister to the Wai Wu Pu:* "The leased territory of the Manchurian Railway is Chinese territory, and Chinese sovereignty therein is now fully recognized. A general agreement for the establishment of municipal councils has to-day been signed and sealed.

I now clearly state that my government will fully respect within the limits of the leased territory the rights and privileges which the subjects of other powers enjoy under the treaties between China and the other powers."

## II.

China takes all measures emanating from her sovereign rights on the lands of the railway, neither the railway administration nor the municipalities shall under any pretext whatever oppose these measures in so far as the said measures are not in contravention of the contracts concluded with the Chinese Eastern Railway Co.

## III

The contracts of the Chinese Eastern Railway actually in existence remain in full force.

## IV.

The laws or ordinances and legislative measures resulting from China's sovereign rights shall be drawn up and published by Chinese officials in the form of proclamations

## V.

High Chinese officials and official agents visiting the lands of the railway shall be received by the management of the railway and the municipalities with all due consideration and respect.

## VI.

Municipal organizations shall be established in the important commercial centres situated on the lands of the railway. The inhabitants of the commercial centres according to the importance of the localities and the number of the inhabitants, shall name by election delegates who shall choose an executive committee; or, the inhabitants themselves shall participate in municipal affairs and a representation from among them shall be elected, who shall be charged with the execution of the resolution adopted by the assembly of all the inhabitants.

## VII.

There is not the slightest difference made upon the lands of the railway between the Chinese population and that of other nationalities, all the inhabitants enjoy the same rights and are subject to the same obligations.

## VIII.

Every member of the community who is the owner of real (property) of a fixed value or who pays a fixed annual rent and tax shall have the right to vote.

## IX.

The president is elected by the assembly of delegates and chosen from amongst themselves regardless of nationality.

## X.

The assembly of delegates is competent to pass upon all local questions of public utility. Institutions in which a part only of the inhabitants is interested such as churches, chambers of commerce, schools, charitable institutions, etc., shall be supported by that portion of the inhabitants by means of assessments.

## XI.

The assembly of delegates chooses from amongst its members, and without distinction of nationality, the members charged with the management of municipal affairs; not to exceed three in number. In addition, the president of the Chiao She Chu and the director of the railway shall each appoint a delegate. The delegates and the above mentioned members, including the president, shall constitute the executive committee.

## XII.

The president of the assembly of delegates is at the same time president of the executive committee.

## XIII.

The president of the Chiao She Chu and the director of the railway, occupying a position superior to that of the presidents of the assemblies of delegates and of the committees, have the power of control and personal revision which they may exercise when they deem it necessary. The delegates mentioned in article XI present to them reports on current affairs. Besides all the resolutions passed by the assembly of delegates shall be submitted to the joint approval of the president of the Chiao She Chu and the director of the railway. After which, these resolutions shall be published in the form of a notice in the name of the executive committee and become binding on all the inhabitants whatever their nationality may be.

## XIV.

In case the resolution of the assembly of delegates should not be approved by the president of the Chiao She Chu or the director of the railway, these resolutions must be returned to the assembly for reconsidera-

tion. If the same resolution is adopted by a majority of three-fourths of the members present, it becomes binding.

#### XV.

Important questions concerning the public interest or the municipal finances in the commercial centres upon the lands of the railway shall be submitted, after discussion in the assembly of delegates, to the examination and approval of the president of the company (high Chinese official according to article I of the contract of 1896) conjointly with the principal administration (board of directors) of the Chinese Eastern Railway Company.

#### XVI.

The Chinese Eastern Railway Company has the free administration of the lands specially affecting the service of the railway, such as stations, workshops, etc. All the other lands of the railway company, not leased to others, as well as buildings reserved for the exclusive use of this company, if these lands and buildings have not been transferred to the municipalities in accordance with the plans agreed upon, shall be temporarily subject, as heretofore, to the administration of the said company. The lands in this category shall be provisionally exempt from taxes, etc.

#### XVII.

The foregoing general arrangements are to serve as a base for the elaboration of a detailed arrangement concerning the municipalities and the police; likewise the rate of taxation shall be determined. It is agreed to proceed to the elaboration of this arrangement within a month from the date of the signature of the present agreement (11th May, 1909).

#### XVIII.

Until the detailed arrangement concerning the municipal organizations have been elaborated and put into effect the municipalities shall conform provisionally to existing regulations, with the application of article XIII of the present agreement relative to the rights of control of the president of the Chiao She Chu and the director of the railway with respect to the municipalities. If the president of the Chiao She Chu and the director of the railway shall not approve the decisions of the assembly of delegates and if, after an exchange of views, an agreement can not be reached by these officials, two special delegates shall be separately elected by the inhabitants, Chinese and foreign. The president of the Chiao She Chu and the

director of the railway conjointly with these two delegates shall choose a fifth person, Chinese or foreign, who enjoys the general esteem, in order to form a committee to discuss and arrange the difference by agreement. The chamber of commerce at Harbin is authorized to name three members who shall form part of the executive committee of the city and have the same part in the management of affairs as the other members of the said committee. The chambers of commerce of the communities of Manchuria and Hailar shall each choose two delegates who will form part of the respective committees. In the other commercial centres where there exist only general assemblies, the Chinese and Russian population shall take equal part in the administration of municipal affairs. The elections for the assemblies and committees shall take place in accordance with the new detailed arrangement as soon as the same shall have been elaborated.

The text of this arrangement has been rendered in the Chinese, Russian, and French languages and there exist four copies of it in each language. All of these copies have been duly signed and bear the respective seals of the parties interested.

In case of disagreement the French text alone shall be authoritative.

Done at Peking the 1st year of Hsü T'ung 3rd moon, 21st day (27th April, 1909).

(Signed, May 11, 1909).

LIANG TUN YEN. (L. S.)

J. KOROSTOVETZ. (L. S.)

SZE SAO KE. (L. S.)

D. HORVAT. (L. S.)

YU SZU HSING. (L. S.)

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AGREEMENTS BETWEEN FRANCE AND BELGIUM IN REGARD TO THE CONGO.<sup>1</sup>

*Signed December 23, 1908.*

I.

*Arrangement regulating the right of preference of France over the territories of the Congo State.*

Considering that in virtue of the letters exchanged on April 23 and 24, 1884, between M. Strauch, president of the International Asso-

<sup>1</sup> See SUPPLEMENT, 3:6, 69, for notes in reference to the preference which France had in the Congo, together with the agreement dated February 5, 1895, which is renewed with modifications by the arrangement printed above.